

MAY 07 2007

Serial No.: 09/502,882

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s): Dhritiman Banerjee
Giorgio Giaretta
Anthony L. Lentine
Ted K. Woodward

Case: 1-3-23-17

Serial No.: 09/502882

Group Art Unit: 2667

Filed: February 11, 2000

Examiner: T. Hoang

Title: Propagation And Detection Of Faults In A Multiplexed
Communication System

COMMISSIONER FOR PATENTS

P.O. Box 1450


Alexandria, VA 22313-1450

SIR:

REQUEST FOR RECONSIDERATION OF PETITIONUNDER 37 C.F.R. 1.137(b)

The petition dismissal indicates that a reconsideration request should include a cover letter entitled Request for Reconsideration of Petition under 37 C.F.R. 1.137(b). Please consider this page to be such a cover letter for the attached reconsideration request.

Respectfully,

By 
Eugene J. Rosenthal, Attorney
Reg. No. 36,658
908-582-4323

05/09/2007 CCHAU1 00000082 122325 09502882

01 FC:1253 1020.00 DA

Lucent Technologies Inc.

Date: 5/7/07

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents Fax
No. 571-273-8300 on the date shown below.
Eugene Rosenthal5/7/07
Date

Serial No.: 09/502,882

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE****Patent Application****Inventor(s):** Dhritiman Banerjee
Giorgio Giaretta
Anthony L. Lentine
Ted K. Woodward**Case:** 1-3-23-17**Serial No.:** 09/502882**Group Art Unit:** 2667**Filed:** February 11, 2000**Examiner:** T. Hoang**Title:** Propagation And Detection Of Faults In A Multiplexed
Communication System**COMMISSIONER FOR PATENTS**
P.O. Box 1450
Alexandria, VA 22313-1450**SIR:****REQUEST FOR RECONSIDERATION OF PETITION**
UNDER 37 C.F.R. 1.137(b)

Applicants hereby request reconsideration of their petition for the revival of the application abandoned unintentionally under 37 C.F.R. 1.137(b) as filed on August 10, 2006 which was denied in the decision on petition dated December 5, 2006 and in furtherance thereof submits as follows:

- 1) The required reply – An amendment canceling all claims except those which were indicated to be allowable if rewritten in independent form accompanies this request for reconsideration, and such indicated claims have been so rewritten.
- 2) The Petition fee – Although at first glance it does not appear that any fee is required for a request for reconsideration of a dismissed petition, nevertheless, the Commissioner is authorized to charge the appropriate cost of such request for reconsideration, if such is

Serial No.: 09/502,882

necessary, and any other fees necessary to revive this application, to the **Lucent Technologies Deposit Account No. 12-2325**. Furthermore, if it is necessary to consider this request for reconsideration of petition as a new petition for the revival of the application abandoned unintentionally under 37 C.F.R. 1.137(b), the Commissioner is authorized to charge the appropriate cost of such a petition fee to the **Lucent Technologies Deposit Account No. 12-2325** and to consider this paper such a petition. Unfortunately, the Rules and MPEP, along with the petition decision, on this particular issue are not clear to applicants.

3) The following statement:

Applicants received with dismay the dismissal of their petition and believe that its dismissal was unfair given their understanding, based on the information contained in applicants' prior petition, that the Examiner had agreed that the changes proposed in the amendment that accompanied the petition would render the application allowable. Indeed, it was largely that representation that lead applicants to their course of petitioning for revival and submitting that amendment.

After receipt of the dismissal, applicants' representative contacted the Examiner by telephone in an effort to understand why the amendment was insufficient. The Examiner was reminded of the history of the application and applicants' concerns were explained. In response the Examiner indicated that he needed to check with his supervisor, and that he would call applicants' representative back. When no call was forthcoming after an extended period, applicants' representative again called the Examiner. Again the history and concerns were explained and again the Examiner stated he needed to check with his supervisor. This time a more certain time period for the return call was set. When again no call from the Examiner was received, applicants'

Serial No.: 09/502,882

representative again called the Examiner, who explained that his supervisor was quite busy and that he had been unable to consult with him. Finally, this date a message was received from the Examiner stating that the only options left to applicants were to either file a continuation application or to amend the claims so as to accept the objected-to claims that contained allowable subject matter.

Applicants are quite upset that no explanation has been forthcoming as to why the amended claims, which were indicated to be allowable during a telephone interview with the Examiner, as part of a process that was initiated by the Examiner, were deemed to be not allowable. This seems rather unfair to applicants. Nevertheless, given the current state of affairs and an apparent inability to further influence them at this point, in furtherance of prosecution, applicants are including herewith an amendment canceling all but those claims that were indicated to be allowable if rewritten in independent form and those claims have been rewritten in independent form. Doing so prima facie renders the application allowable, which will provide time for applicants to discuss with the Examiner the situation and file a divisional application to seek allowance of those other claims that applicants believe they are entitled to.

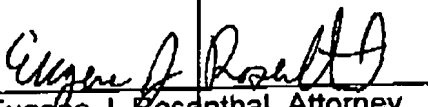
Thus, applicants continue to believe that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) has been unintentional.

Serial No.: 09/502,882

If it is necessary to consider this request for reconsideration as a new petition for the revival of the application abandoned unintentionally under 37 C.F.R. 1.137(b), it is authorized to do so, as it is believed that this request for reconsideration and its accompanying attachments meet all the requirements of 37 C.F.R. 1.137(b).

In the event that an extension of time other than that requested already in a paper accompanying this request for reconsideration is deemed to be required, such extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325**.

Respectfully,

By 
Eugene J. Rosenthal, Attorney
Reg. No. 36,658
908-582-4323

Lucent Technologies Inc.

Date: 5/7/07

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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Dhritiman Banerjee
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Anthony L Lentine
Ted K Woodward

CASE 1-3-23-17

Serial No. 09/502882 Group Art Unit 2667

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Examiner D. L. Woods

Title Propagation And Detection Of Faults In A Multiplexed Communication System

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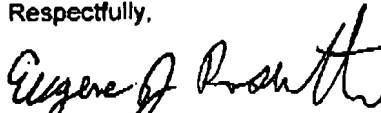
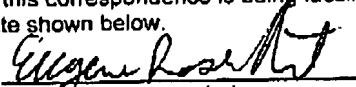
SIR:

Enclosed is an amendment in the above-identified application.

NO ADDITIONAL FEE REQUIRED

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit Deposit Account No. 12-2325 as required to correct the error.

Respectfully,


Eugene J. Rosenthal, Attorney
Reg. No. 36658
732-949-1857.Date: 5/7/07Docket Administrator (Room 2F-190)
Alcatel-Lucent
600-700 Mountain Ave.
Murray Hill, NJ 07974-0636I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents Fax No. 571-273-8300 on the date shown below.
Eugene Rosenthal5/7/07
Date

Page 1 of 1

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